

Application No.: 09/856,043

Docket No.: 713-484

REMARKS

The Examiner's indication of allowable subject matter of claim 38 is noted with appreciation.

The Examiner is also thanked for granting a personal interview with Applicants' representatives. This Amendment presents claim amendments that will be discussed at the interview.

Claims 2-7, 14, 16-18, and 33-38 are pending in the application. Allowable claim 38 has been rewritten in independent form including all limitations of base claim 14 and intervening claims 16 and 37 in the manner kindly suggested by the Examiner in paragraph 6 of the Office Action. Independent claims 2 and 14 have been amended to better define the claimed invention over the art. Claims 3 and 37 have been amended to improve claim language. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 102(b) rejection of claims 14 and 36 as being anticipated by *Hirtl* is believed overcome in view of the above amendments. In particular, independent claim 14 now recites a resetting mechanism connecting the barrel and the piston for automatically and physically moving the piston rearwardly relative to said housing from the second forward position to the second rearward position in response to a return movement of the barrel from the first rearward position to the first forward position. *Hirtl* does not appear to fairly teach or disclose this feature.

Hirtl principally features a recoil mass and damping element to absorb the recoil energy on firing. As far as piston resetting is concerned, this is discussed at column 4 in the brief patent. The action is as follows. At the end of the firing stroke, the piston (6) will be at the forward end of the barrel (4), but the barrel (4), itself, will be in a retracted position as a result of the recoil action with the spring (23) in a compressed state. The spring (23) will then unload to thrust the

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barrel (4) forwardly with the piston (6) remaining stationary so that, in the forward position of the barrel (4), the piston (6) will then be located in the rear end of the barrel (4). This resetting mechanism is really quite impractical because there is no physical restraint as such on the piston, and the resetting action relies on the barrel moving forwardly relative to the piston with virtually no friction between the piston and barrel, as friction effects would inevitably lead to some forwards displacement of the piston. Moreover, even if it is possible that the piston remains completely stationary as the barrel moves forwardly, there is a possibility that the large mass of the forwardly moving barrel when engaging the rear end of the piston would result in the piston being driven forwardly again to a certain extent from its rearward position.

Thus, in the resetting action of *Hirtl*, the piston is either stationary or moved slightly forwardly relative to the housing, whereas in claim 14 the piston is moved rearwardly relative to the housing. Therefore, *Hirtl* does not anticipate amended claim 14 as well as claim 36 depending therefrom.

The 35 U.S.C. 103(a) rejection of the remaining claims is also believed overcome in view of similar amendments made to independent claim 2.

Accordingly, all claims in the present application are now believed in condition for allowance.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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